IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.876 OF 2005
WITH
CRIMINAL WRIT PETITION NO.878 OF 2005
WITH
CRIMINAL WRIT PETITION NO.880 OF 2005
WITH
CRIMINAL WRIT PETITION NO.889 OF 2005
WITH
CRIMINAL WRIT PETITION NO.912 OF 2005
WITH
CRIMINAL WRIT PETITION NO.913 OF 2005

Haryax Plastic Products Co.
Ltd. and Ors. ..Petitioners

Vs.

State of Maharashtra and Anr..Respondents

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Mr.Piyush Shah Advocate for Petitioners
Mr.D.P.Adsule, A.P.P. for the State
in Cri.W.P.No. 876 of 2005
Mr.V.B.Konde-Deshmukh, A.P.P. for the State
in Cri.W.P.No. 878 of 2005
Mr.Y.S.Shinde, A.P.P. for the State
in Cri.W.P.No. 880 of 2005
Mr.M.S.Mhambary, A.P.P. for the State
in Cri.W.P.No. 889 of 2005
Ms.S.V.Gajare, A.P.P. for the State
in Cri.W.P.No. 912 of 2005
Mr.S.R.Shinde, A.P.P. for the State
in Cri.W.P.No. 913 of 2005

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 7,2005

P.C.

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of proceedings relating to C.C. No. 729/SS/2005, 728/SS/2005, 727/SS/2005, 726/SS/2005, 725/SS/2005 and 880/SS/2002 which are pending before the learned Addl. Metropolitan Magistrate, 6th Court, Mazgaon, Mumbai. In the said cases, the process has been issued against the petitioners under Section 138 of Negotiable Instruments Act. The learned advocate for the petitioners submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. If the process issued against the petitioners is set aside, the proceedings in respect of the applicant, would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my

view, it is clear that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within three weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of three weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]